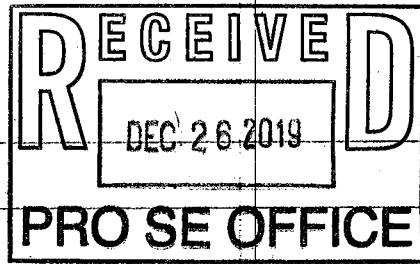


United States District Court  
Southern District of New York



Martin S. Gottesfeld, pro se,  
Plaintiff  
- against -  
Hugh J. Hurwitz, et al.

Case No. 18-cv-10836-PGG-Gott

DOCUMENT  
ELECTRONICALLY FILED  
DOC #:

DATE FILED: 12-26-19

EMERGENCY MOTION FOR HEARING AND ORDER  
REQUIRING COUNSEL FOR THE DEFENDANTS TO SHOW  
CAUSE FOR VIOLATIONS OF LOC. CIV. R. 1.5(b)(5) AND  
NEW YORK R. PROF. COND. 1.16(a)

Plaintiff Martin S. Gottesfeld ("Plaintiff"), acting pro se, hereby moves the Honorable Court on an emergency basis to issue an order requiring counsel for the defendants, i.e. Assistant United States Attorney Alexander J. Hogan, to show cause for violating Local Civil Rule 1.5(b)(5) and New York Rule of Professional Conduct 1.16(a).

The plaintiff further moves on an emergency basis for the Court to convene as soon as practicable a hearing on this motion and to order the FCI Terre Haute CMW unit team to produce the plaintiff, if only via telephone, for this hearing. Absent an explicit order by the Court, the plaintiff believes that agents of Counsel Hogan and his clients - the instant defendants - will be blocked from attending any hearing in the case that the Court schedules.

In support of this motion, the plaintiff herewith provides exhibits 1-7 hereto, and respectfully requests, pursuant to Fed. R. B. & J. 201(c)(2), that the Court take mandatory judicial notice of exhibits 1-7 hereto.

The plaintiff notes Exhibit 1 hereto at 10 ff 62, and given the circumstances,

The plaintiff humbly requests that The Court order The Office of The Clerk to draw the attention of the instant defendants and their counsel to this filing.

The plaintiff notes Exhibit 1 hereto at 10 ¶¶32, and that he cannot provide a copy of the incident report without risking the spoliation or other loss of his only copy by agents of AUSA Hagen and the defendants.

Respectfully filed pursuant to the prison-mailbox rule of Houston v. Lack, 487 U.S. 266 (1988), on Thursday, December 12th, 2019, by mailing to The Court in an envelope bearing sufficient affixed pre-paid first-class U.S. postage, hence at the next opportunity to Ms. J. Wheeler of the FCI Terre Haute (MU unit team, acting in her official capacity as an agent for the defendants and AUSA Hagen,

by: M.S.G

Martin S. Gottscheld, pro se

Reg. No.: 12982-104

Federal Correctional Institution

P.O. Box 33

Terre Haute, IN 47808

Exhibit 1

Declaration of Martin S. Gottesfeld:

I, Martin S. Gottesfeld, declare that the following is true and correct under the penalty of perjury under the laws of the United States pursuant to 28 U.S.C. § 1746(c) on this 12th day of December, 2019:

1. My name is Martin S. Gottesfeld and I am the sole plaintiff in the case of Gottesfeld v. Hurwitz, et al., 18-cv-10836-PGG-GWG Chercraft ("the case"), currently pending before the Honorable United States District Court for the Southern District of New York Chercraft ("The Court").
2. Counsel for the defendants in the case is Assistant United States Attorney Alexander J. Hogan Chercraft ("AUSA Hogan").
3. On or about Monday, November 25th, 2019, and pursuant to Fed. R. Civ. P. 5, Fed. R. Civ. P. 11(c), Fed R. Civ. P. 11(b), the New York Rules of Professional Conduct, Local Civil Rule 1.5(b)(5), and the prison-mailbox rule of Houston v. Lack, 487 U.S. 266 (1988), I served upon AUSA Hogan a motion for sanctions Chercraft ("the motion") — the merits of which I cannot yet bring before The Court due to the twenty-one-(21)-day safe-harbor provision of Fed. R. Civ. P. 11(c).
4. Fearful of retaliation from AUSA Hogan, the defendants in the case, and their agents here at FCI Terre Haute, I mailed a copy of the motion to a licensed attorney in Brooklyn for safe keeping and filing by my next friend in the case of interference here at the FCI.
5. Pursuant to Local Civil Rule 1.5(b)(5), AUSA Hogan and all attorneys who appear before The Court are bound by The New York Rules of Professional Conduct.
6. Only addressing events after the service of the motion, and in no way addressing the events that occurred before the service of the motion,

I note that New York Rule of Professional Conduct 1.16(a) in part states, "A lawyer shall not accept employment on behalf of a person if the lawyer knows or should know that such person wishes to: (1) bring a legal action, conduct a defense, or assert a position in a matter, or otherwise have steps taken for such person, merely for the purpose of harassing or maliciously injuring any person."

7. On Monday evening, December 9th, 2019 - after AUSA Hogan was served the motion, but before I could file it with the Court pursuant to Fed. R. Cr. P. 11(c) - agents of AUSA Hogan and the Defendants in the case placed me in the SHU inside the FCI Terre Haute CMU.

8. FBOP Lt. B. Devlin conspicuously and fastidiously wanted to ensure that I received a written administrative detention order and his attitude reveals that he knew the Defendants had injured me repeatedly through their failures to provide me such administrative detention orders, in defiance of federal regulations, and that this was a matter of controversy in court.

9. At approximately 10:07 A.M., on Wednesday, December 11th, 2019, Captain Brogan of the FBOP asked me in the SHU, "You know why you're here, right?"

10. I take Captain Brogan's meaning to signify that the Defendants in the case and AUSA Hogan want me to know that they are displeased with my recent motion practice, particularly the motion for sanctions.

11. The supposed reason provided by agents of AUSA Hogan and the Defendants for placing me in the SHU is flagrantly frivolous and contrived; it was likely the best they could come up with given my stellar conduct record and such short notice.

12. Once again, an unnumbered and untitled incident report (hereafter the "incident report") was delivered to me, which manifestly seeks to punish me for pursuing Constitutionally-protected litigation.

13. The incident report ridiculously accuses me of "trying to extort"

seventy-three (73) "individuals, agencies, and entities" by lawfully "demanding a true copy" of my order of commitment.

14. The absurdity of the incident report reveals its true intended purpose; to demonstrate to me the impunity of AUSA Hogan, the defendants, and their agents to conjure specious excuses, violate clearly-stated FBOPD Due Process requirements (in this instance for the timely delivery of numbered incident reports), and continue to violate my Constitutional rights even as the case proceeds under the watchful eye of The Court.

15. Title 18 U.S.C. § 3621(c) states:

Delivery of order of commitment. When a prisoner pursuant to a court order is placed in the custody of a person in charge of a penal or correctional facility, a copy of the order shall be delivered to such person as evidence of his authority to hold the prisoner, and the original order, with the return endorsed thereon, shall be returned to the court that issued it.

16. D.C. Code § 13-422 states:

Personal jurisdiction based upon enduring relationships.  
A District of Columbia court may exercise personal jurisdiction over a person domiciled in, organized under the laws of, or maintaining his or its principal place of business in, the District of Columbia as to any claim for relief.

17. D.C. Code § 13-421 states:

Definition of a person.

As used in this subchapter, the term "person" includes an individual, his executor, administrator, or personal representative, or a corporation, partnership, association, or any other legal or commercial entity, whether or not a citizen or domiciliary of the District of Columbia and whether or not organized under the laws of the District of Columbia.

18. D.C. Code § 13-421 et seq., are collectively known as the "long-

"arm statute" of Washington D.C.

19. "Long-arm" statutes are well known in the legal community because many, if not most, states and territories have one.

20. Pursuant to 28 U.S.C. § 1728, i.e., the Full-Faith-and-Credit Statute, Federal Courts give full faith and credit to the long-arm statutes of Washington D.C. and other states and territories.

21. As contemplated by D.C. Code § 13-420, the Federal Bureau of Prisons (FBOP) and its acting director are "domiciled in, organized under the laws of" and maintain their "principal place of business in" the District of Columbia.

22. As contemplated by D.C. Code § 13-421, FBOP employees are the "administrator[s]" or "personal representative[s]" of the FBOP and its acting director.

23. FBOP employees transact business in Washington D.C. via the FBOP's trust-fund system, as contemplated by D.C. Code § 13-423(a)(1) and possess real property in Washington D.C. through their benefits and pensions, as contemplated by D.C. Code § 13-423(a)(5).

24. No return, as required by 18 U.S.C. § 3621(c), appears on the docket of United States v. Gottesfeld, 16-cr-10305 (P. Mess.).

25. The only supposed copy of my "Judgment & Commitment" that has ever been provided to me is missing the required seal of the court, the signature of the clerk, and the signature of a U.S. Marshal; and further, no "Order of Commitment" appears within its four corners as signed by Judge Gordon; i.e., its first page and only its first page above Judge Gordon's signature.

26. D.C. Code 16-1905 states:

Right to copy of commitment; Forfeiture.

A person committed or detained, or a person in his behalf, may demand a true copy of the warrant of commitment or detention. An officer or other person detaining a person, who refuses or neglects to deliver to him or to a person in his

behalf a true copy of the warrant of commitment or detainer, if one exists, within six hours after the demand, shall forfeit to the party so detained the sum of \$500.

27. On Friday, December 6th, 2019, I sought to exercise my rights under 18 U.S.C. § 33621(c) and D.C. Code § 16-1905 by issuing a written request (hereafter my "request") to my custodians explicitly citing 18 U.S.C. § 33621(c) and D.C. Code § 16-1905.

28. To avoid future ambiguities or arguments before the D.C. Superior Court claiming that I failed to provide sufficient notice to my custodians, I largely used the language of D.C. Code § 16-1905 and, like this statute, my request uses "demand," "true copy," and "shall forfeit."

29. My request referred specifically and explicitly to a "statutorily-mandated sum" (emphasis added), i.e. the \$500 specified by D.C. Code § 16-1905.

30. I specified that my demand "is self-executing every twenty-four (24) hours."

31. I have interacted on a nearly-weekly basis with the supposed accuser and complainant in the incident report, Ms. Rebekka Eisele (hereafter "Ms. Eisele") and I am familiar with her everyday use of language.

32. The incident report was surreptitiously written not by Ms. Eisele, but for her; and while more or less frivilous, its author has legal training that Ms. Eisele does not.

33. Ms. Eisele's conduct since I handed her my request ~~is~~ is demonstrably inconsistent with the narrative put forth by the author of the incident report in ways that demonstrate it is not just legally frivilous, but factually a sham.

34. For instance, Ms. Eisele has continued to interact normally with me in her official capacity as my case manager as if nothing has happened and I am not now sitting in the STU in solitary confinement because of her.

35. Since the incident report, Ms. Fiske provided to me a BP-8 on December 10th, 2019 (Exhibit 2) and December 11th, 2019 (Exhibit 3), each signed, dated, and timestamped by her.

36. I have formally requested the preservation of audio and video surveillance footage of these normal, cordial, neutral, emergency, unthreatened interactions (Exhibit 4).

37. Moore has been assigned as my new case manager due to any discomfort on the part of Ms. Fiske.

38. In contrast to Ms. Fiske's actual demeanor, who ever wrote the incident report as Ms. Fiske claimed, "I feel threatened by inmate Gottschell's demands and I believe he is trying to extort me... Inmate Gottschell is attempting to intimidate and compel me... by threat of financial demise."

39. Of course, demanding a "statutorily-authorized sum" with citation to a specific, applicable, statute, such as D.C. Code § 16-1905, cannot be "extortion".

40. Ms. Fiske's everyday vocabulary does not include legal terms such as "extort," "compel," and the uncharacteristically-dramatic "financial demise".

41. If Ms. Fiske were to use such legal terms on her own, she would, in my experience, not misapply them in the incident report, but instead look them up to ensure their applicability.

42. For instance, Ace Arts, LLC v. Song/ATV Music Publishing, LLC, 56 F. Supp. 3d 436, 451 (S.D.N.Y. 2014) (citing Universal City Studios, Inc. v. Nintendo Co., 797 F.2d 70, 75 (2d Cir. 1986)) ("While Plaintiff is correct that such litigation strategy can sometimes satisfy the ~~wrong means~~ <sup>4</sup> element [wrongful means] element, this is true only when (1) the Defendant has no belief in the merit of the litigation or (2) the Defendant otherwise institutes or threatens to institute litigation in bad faith, intending only to harass the third parties and not to bring [its] claims to definitive adjudication").

43. If Ms. Fiske were, in fact so concerned and threatened by imminent "financial demise" as stated in the incident report, then she would have made

every effort to provide the document required by D.C. Code § 16-1905, but she has not.

44. Ms. Bisek benefits little, if at all, from my placement in the SHU, and in fact it makes more work for her.

45. In contrast, my placement in the SHU greatly and illegitimately benefits AUSA Hogan and the defendants.

46. Perhaps, unaware that I sent a copy of the motion for sanctions to an attorney for set-keeping and filing by my next friend in a contingency, and knowing that in the SHU I would be separated from my legal work, AUSA Hogan perceived that he would benefit from the lack of timely filing of the motion for sanctions.

47. AUSA Hogan has until December 19th, 2019, to reply to my opposition to dismiss and roughly similar deadlines to answer other filings. With me in the SHU, his opponent is significantly hemstrung by contesting whatever he may file, including motions for extensions, and a motion to withdraw or otherwise contest his clients' admissions.

48. My law library access is limited to 1-2 hours per day in the SHU, whereas before I spent nearly my entire working day in a less-indefinite law library, litigating the case and other cases.

49. In violation of 28 C.F.R. §§ 541.31(c) "legal activities" and 541.11(h), (i), and (j), I have no access whatsoever to a typewriter in the FCI Terre Haute CMV SHU (Exhibit 5)

50. In violation of 28 C.F.R. § 543.11(j), I have no access to a desk and I must write on the floor or on my bed. (Exhibit 5)

51. In violation of 28 C.F.R. § 541.31, the only water to which I have access in my cell is toxic (Exhibit 6), so I can only drink three (3) times per week when I am allowed to use the shower, and this affects my ability to litigate against AUSA Hogan because my kidneys are in constant pain and this is distracting.

52. In violation of 28 C.F.R. § 541.31(d), I have no pillow and my mattress is unsanitary and worn down, preventing me from getting restorative sleep; I've been sleeping since the night of Sunday November 8th, 2019, and this affects my ability to litigate against AUSA Hogen and his clients.

53. Agents of AUSA Hogen deny me my radio and in violation of 28 C.F.R. § 541.31(c), agents of AUSA Hogen deny me my newspaper subscriptions in the SHU, so I am now unaware of potentially-relevant developments in the Epstein investigation cases.

54. In violation of 28 C.F.R. § 541.31(l) and The First Amendment, my requests for a legal call to The Office of The Clerk of The Court (Exhibit 7) have been fruitless so I cannot timely request a hearing.

55. In violation of 28 C.F.R. § 541.31 I am being subjected to extreme sensory deprivation in the FCI Terre Haute (MW SHU), and this affects my ability to litigate the case against AUSA Hogen's clients.

56. I began and have maintained a hunger strike since the evening of Monday December 9th, 2019, with a personalized message asking that AUSA Hogen and his agents provide me access to non-toxic potable water in my cell and access to The Court via a legal call to The Office of The Clerk in order to request an emergency hearing – and that they otherwise stop violating Local Court Rule 1.S(s)(5) and N.Y.R. Prof. Cond. 1.16(a).

57. In the unlikely event that AUSA Hogen was unaware of these violations committed by agents of his and his clients in the case, he is now aware thereof through this filing, and he is ethically obligated to curtail this misconduct.

58. AUSA Hogen and his agents in the FCI Terre Haute Legal Department (both of whom read my filings in the case long before they appear on the

Docket) should each remember Fleming Sales Co. v. Beiley, 611 F. Supp. 807, 519-520 (N.D. Ill. 1985) (quoting Lepak v. Van Wamer, 765 F.2d 86, 87 (7th Cir. 1985)):

(P)retiring lawyers... as officers of the court have both an ethical and a legal duty to screen claims of their clients for factual veracity and legal sufficiency. Model Rule of Professional Conduct 3.1 (1983); Fed. R. Crim. P. 11. Lawyers have a unique opportunity to counsel restraint of recklessness, to craft meaningful arguments or to press empty challenges to well-settled principles. Because of our reluctance to constrain the discretion of attorneys in the vigorous advocacy of their clients' interests, we penalize them only where they have failed to maintain a minimum standard of professional conduct responsibility. But we will not overlook such a failure when it occurs, in part because it endangers disbarment for the public, whose claims lie dormant because frivolous suits have diverted away scarce judicial resources; disbarment for adversaries, who must expend time and money to defend against meritless attacks; and disbarment for clients, whose trust is rewarded with legal bills, dismissals, and court-imposed sanctions.

59. "In representation of a client, a lawyer shall not... counsel or assist his client in conduct that the lawyer knows to be illegal or fraudulent." Wechsler v. Williford, 804 F.2d 1012, 1017-18 (7th Cir. 1986) (quoting ABA Model Code of Responsibility, Disciplinary Rule 7-102(A)(1)).

(b). "Fraud upon the court" should, we believe, embrace only the species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." Kerner v. Commissioners, 387 F.2d 689, 691 (7th Cir. 1968) (quoting 2 Moore's Federal Practice, 2d ed., p. 512, para 60.23). And Kupferman v. Consolidated Research & Mfg. Corp., 459 F.2d 1072, 1078 (2d Cir. 1972) (quoting same).

61. At AUSA Hogen's direction or acquiescence, his agents are engaged in a frivolous and dishonest fraud upon the Court cognizable under the above-cited authorities, including Local Civil Rule 1.5(c)(5) and M.G.R. Boof, Com. 1, 16(a).

62. Separated from my legal work and in the FCI Terre Haute CMW SHU, I no longer have access to the address of AUSA Hogen for service nor to semi-leg photocopies.

63. At approximately 8:30 A.M., Thursday December 12th 2019, medical gave me IV fluids due to my inability to drink the water in my cell. While inconvenient for everybody, this resolves one part of hunger strike - but not all of it. I am grateful to medical for going out of their way to address an issue that shouldn't exist in the first place.

I declare that the foregoing is true and correct under the penalty of perjury ~~and~~ under the laws of the United States. Executed on Thursday, December 12th, 2019.

  
Martin S. Gottsfeld

*Exhibit 2*

## Attachment 1

FCC Terre Haute

## Administrative Remedy – Informal Resolution

Inmate Name:	Gottesfeld			Register #:			
Unit:	CMU			Date Submitted:			
Section 1: NOTICE TO INMATE - Be advised, normally prior to filing a Request for Administrative Remedy, BP-229 (13), you must attempt to informally resolve your complaint through your Correctional Counselor.							
Section 1a: Briefly state your specific single complaint:							
Section 1b: Briefly state the resolution you request:							
Inmate Signature:							
Counselor Printed Name/Signature:							
Section 2: Department Assigned:							
Date Assigned:	Date Due:						
<input type="checkbox"/> Food Service	<input type="checkbox"/> Unit Mgmt	<input type="checkbox"/> Unicor	<input type="checkbox"/> Education	<input type="checkbox"/> Psychology	<input type="checkbox"/> Medical	<input type="checkbox"/> Chaplain	<input type="checkbox"/> Recreation
<input type="checkbox"/> Trust Fund	<input type="checkbox"/> Custody	<input type="checkbox"/> Facilities	<input type="checkbox"/> Safety	<input type="checkbox"/> ISM/Mailroom	<input type="checkbox"/> Admin.	<input type="checkbox"/> SIS	
Section 3: Department Head Response							
	Issue Resolved Comments:						
	Issue Un-resolved Comments:						
	Unable to Address Issue Comments:						
Inmate Signature if Resolved:					Date:		
Staff Signature:					Date:		
Section 4: Tracking							
	BP-8 issued to inmate	BP-8 returned to Counselor	BP-9 issued to inmate	BP-9 returned to Unit Team	To Admin Remedy Clerk	Returned as Rejected	
Date	12-10-19						
Time	1414						
Staff	R-Eisele						

*Exhibit 3*

## Attachment 1

## FCC Terre Haute

## Administrative Remedy – Informal Resolution

Inmate Name:	Gottesfeld			Register #:		
Unit:	CMU			Date Submitted:		
Section 1: NOTICE TO INMATE - Be advised, normally prior to filing a Request for Administrative Remedy, BP-229 (13), you must attempt to informally resolve your complaint through your Correctional Counselor.						
Section 1a: Briefly state your specific single complaint:						
Section 1b: Briefly state the resolution you request:						
Inmate Signature:						
Counselor Printed Name/Signature:						
Section 2: Department Assigned:						
Date Assigned:	Date Due:					
<input type="checkbox"/> Food Service	<input type="checkbox"/> Unit Mgmt	<input type="checkbox"/> Unicor	<input type="checkbox"/> Education			
<input type="checkbox"/> Psychology	<input type="checkbox"/> Medical	<input type="checkbox"/> Chaplain	<input type="checkbox"/> Recreation			
<input type="checkbox"/> Trust Fund	<input type="checkbox"/> Custody	<input type="checkbox"/> Facilities	<input type="checkbox"/> Safety			
<input type="checkbox"/> ISM/Mailroom	<input type="checkbox"/> Admin.	<input type="checkbox"/> SIS				
Section 3: Department Head Response						
	Issue Resolved Comments:					
	Issue Un-resolved Comments:					
	Unable to Address Issue Comments:					
Inmate Signature if Resolved:				Date:		
Staff Signature:				Date:		
Section 4: Tracking						
	BP-8 issued to inmate	BP-8 returned to Counselor	BP-9 issued to inmate	BP-9 returned to Unit Team	To Admin Remedy Clerk	Returned as Rejected
Date	12-11-19					
Time	1056					
Staff	R-Eisele					

To: CMU Unit Team

From: Martin S. Gottesfeld (Reg. No.: 12982-104)

Date: Wednesday, December 11th, 2019, 9:10 A.M. (Added 10:10 A.M.)

Subject: Preservation of Audio/Video against spoliation

Salutations Unit Team,

I formally request the preservation of the following Audio and Video surveillance footage at FCI Terre Haute:

- FCI Terre Haute (CMU SHU); Wednesday, December 11th, 2019; 9:10 A.M.; Rounds of Warden Lanning, the safety officers, and medical, and Mr. Wadson;
- FCI Terre Haute (CMU SHU); Tuesday, December 10th, 2019; 2:14 P.M.; Rounds of Ms. Eisele and Discussion / Issue of BP-8 to Martin S. Gottesfeld.
- FCI Terre Haute (CMU Law Library), hell outside the officers' office, and CMU SHU; Monday, December 9th, 2019, 5:00 P.M., entry of Lt. B. Devlin, service of Incident report to Martin S. Gottesfeld, administrative confinement of Martin S. Gottesfeld, <sup>Document 105</sup> <sup>w/Gates</sup> in law library.
- FCI Terre Haute (CMU SHU); Wednesday, December 11th, 2019; 10:07 A.M.; Rounds of Captain Brager.
- FCI Terre Haute (CMU Law Library); Friday, December 6th, 2019, 7:20 P.M.ish; Discussion and paper exchange between Ms. R. Riedel and Martin S. Gottesfeld.

I believe in good faith that the above evidence will be relevant to litigation that I will bring in U.S. District Court. If there is anything else that I must do in order to preserve the above evidence against spoliation or other loss, then please let me know.

Thanks,

MG

Martin S. Gottesfeld, pro se

To: CMU Unit Team + FCC Legal Department as officers of the court Exhibit S  
From: Martin S. Gottesfeld (Reg. No. 12982-100)  
Date: Tuesday, December 10th, 2019, 10:31 AM, Eastern Time  
Subject: Request for ~~postage~~ and date for preparation and filing of legal documents

I hereby formally request postage and a desk for the preparation and filing of legal documents. I am currently being detained ~~without access to a desk~~ <sup>without access to a desk</sup> ~~together~~. I also need a typewriter. Please see 28 C.F.R. §§ 543.31(c) and 543.11(d)(1) and (g).

Thanks,



Martin S. Gottesfeld pro se

To: Medical

Exhibit 8

From: Martin S. Gottesfeld (Fug, No. 12782-104)

Date: Wednesday, December 11th, 2019, 8:00 A.M.

Solentcare Medical Department:

Please be advised that the only drinking water to which I have access is toxic. I have had nothing to eat or drink since Monday evening.

My kidneys hurt.

Thanks,

M.S.G

Martin S. Gottesfeld

To: (M) Unit Team + PCT Legal Department as indicated below  
 From: Martin S. Gottsfeld (Reg. No.: 129182-104)  
 Date: Tuesday, December 10th, 2019, 10:00 A.M. Eastern Time  
 Subject: Request for legal call - Gottsfeld v. Hurwitz, 18-cv-10836-PGG-GWG

Solitaires Unit Team and Legal Department,

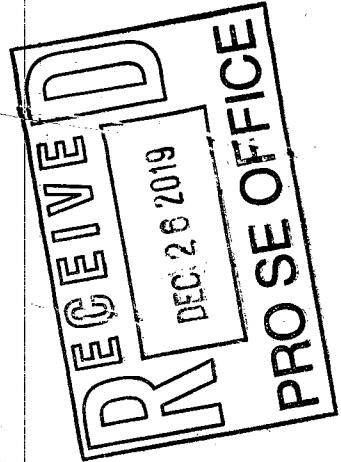
I hope that you are well.

I hereby formally request a legal call to the Clerk's Office of the U.S. District Court located in the Southern District of New York at 500 Pearl St., New York, NY 10007. I make this request on an emergency basis pursuant to my pending case Gottsfeld v. Hurwitz, et al., 18-cv-10836-PGG-GWG, S.D.N.Y., Local Civil Rule 2.5(C)(5), and N.Y.R. Prof. Cond. 2.1(a). As officers of the Court I believe that Legal Department personnel are ethically obligated to facilitate this request so that I can request an emergency hearing. I am being detained with no access to potable water and no access to a properly flushing toilet. I have had nothing to drink since Monday evening, nor have I moved my bowels. I have had nothing to drink since Monday evening, nor have I moved my bowels. Agents of the defendants in the above-captioned case have taken steps for the Defendants and "asserted a position of a minor... merely for the purpose of... maliciously injuring" me. Please see the unnumbered and entirely BP-A0228 Incident Report delivered to me on December 9th, 2019, at 5:39 P.M. by Lt. B. Berlin. Once again, this is unconstitutional and the unit team and legal department are hereby noticed that I will move against any assertion of qualified immunity because the position asserted in the incident report is clearly frivolous and clearly a repetition of past unchristian conduct in retaliation against my right to petition the Court.

Thank you for your attention to this emergency!

Martin S. Gottsfeld, Plaintiff

NAME: Martin S. Gottesfeld  
NUMBER: 42982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808



RECEIVED  
DEC 26 2019  
U.S. District Court  
Pro Se Clerk's Office  
500 Pearl St.  
New York, NY 10007  
  
Thursday Dec. 12th 2019,  
Houston v. Lack, 487 U.S.,  
266 (2988)